

**A RESOLUTION OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2014-01160-(1-5)
ADVANCE PLANNING NO. 201400004
RENEWABLE ENERGY ORDINANCE**

WHEREAS, Article 6 of Chapter 3 of Division 1 of Title 7 of the California Government Code ("Government Code")(commencing with section 65350) provides for the adoption and amendment of a jurisdiction's general plan; and

WHEREAS, the County of Los Angeles ("County") adopted a Countywide General Plan ("General Plan") in November 1980, which has been periodically updated and amended since that time; and

WHEREAS, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code (commencing with section 65800), the County is authorized to adopt amendments to Title 22 of the County Code ("Zoning Code"); and

WHEREAS, the County proposes the adoption of Project No. R2014-01160-(1-5), which includes Advance Planning No. 201400004, which amends the Zoning Code to establish the Renewable Energy Ordinance ("Zoning Ordinance"); and

WHEREAS, the County has proposed Environmental Assessment No. 201400096 to consider a Draft Environmental Impact Report ("EIR") which has been prepared examining the potential significant environmental impacts associated with the proposed Zoning Ordinance pursuant to California Environmental Quality Act ("CEQA") reporting requirements; and

WHEREAS, the Regional Planning Commission of the County ("Commission") conducted a public hearing in the matter of Advance Planning No. 201400004 and Environmental Assessment No. 201400096 on March 18, 2015, April 8, 2015, and April 22, 2015; and

WHEREAS, the Commission finds as follows:

1. The proposed Zoning Ordinance is a countywide ordinance, and includes all unincorporated portions of the County over which the County has land use jurisdiction ("Project Area"). The proposed Project Area is bordered by Kern County to the north, Orange County to the south, San Bernardino County to the east, and Ventura County to the west, and excludes 88 incorporated cities within these boundaries. The proposed Project Area comprises approximately 2,656 square miles and includes more than 100 unincorporated communities as well as the Angeles National Forest and part of the Los Padres National Forest. The proposed Project Area also includes federal, state and County parks and recreational areas.
2. The intent of the proposed Zoning Ordinance is to facilitate the development of solar and wind renewable energy projects to help meet state and federal goals for renewable energy production while minimizing public health and safety hazards and significant environmental impacts. Specifically, the Zoning Ordinance encourages projects generating energy for on-site use (small-scale) and mounted to structures, and better regulates ground-mounted projects generating energy for off-site (utility-scale) use. The California Renewables Portfolio Standard program, as established in 2002 and modified in 2006 and 2011, requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020. In addition, the California Solar Rights Act promotes the widespread use of solar energy by

protecting access to sunlight and limiting the local regulation of solar energy systems. Government Code section 66015 also encourages the development of rooftop solar energy systems by limiting the local permit fee.

3. To achieve these objectives, the Zoning Ordinance will establish a set of procedures and standards for review and permitting of solar and wind renewable energy projects. These include structure-mounted and ground-mounted solar and wind projects generating energy for on-site (small-scale) or off-site (utility-scale) use as well as temporary meteorological towers.
4. The Zoning Ordinance does not propose any physical development within the Project Area, but through procedures and standards encourages the development of solar and wind energy projects that generate energy for on-site use and those that are mounted on structures, which have less impact on the environment than those that generate energy for off-site use and those that are mounted to the ground. The proposed Zoning Ordinance will also establish provisions for ground-mounted utility-scale solar and all wind energy projects that allow the County to better regulate these projects in a manner that minimizes public health and safety hazards and impacts to the environment and surrounding communities, including but not limited to those related to dust control, water use, aesthetics, security and aviation safety, and biological resources. Therefore, the proposed Zoning Ordinance will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Area; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
5. The Zoning Ordinance supports various goals, objectives, and policies of the adopted 1980 General Plan related to conservation of resources and the environment, land use compatibility and protection of scenic resources. The Zoning Ordinance will facilitate and support the development of solar and wind energy projects, which will develop alternative energy sources while conserving non-renewable resources. The Zoning Ordinance also includes provisions to minimize water use; protect Significant Ecological Areas ("SEAs"); reduce impacts to birds and bats through setback, height, and design requirements; and minimize impacts to scenic resources through setbacks, fencing, landscaped buffer, and lighting requirements. Therefore, the Zoning Ordinance is consistent with the adopted 1980 General Plan.
6. The Minor Conditional Use Permit (CUP) fee of \$1,494.00 will be required for rooftop solar energy systems in the R-1 (Single-Family Residence) Zone that are not considered a small residential solar energy system as defined and regulated by Government Code section 65850.5, as amended. Government Code section 66015 establishes limits on the permit fee a local jurisdiction can charge for rooftop solar energy systems but allows higher permit fees if the local jurisdiction provides substantial evidence of the reasonable cost to issue the permit. The Minor CUP Permit cost is reasonable because the Zoning Ordinance first, streamlines the permitting process pursuant to the authorities cited in Finding 2 and relevant model ordinances. Generally, a Minor CUP is required for rooftop solar energy systems in the R-1 Zone to provide a quick and streamlined approval process while minimizing impacts to the surrounding neighborhood. A Minor CUP is required for these projects because they could have a specific, adverse impact upon the public health and safety, pursuant to Government Code section 65850.5. Although the R-1 Zone is intended for single-family residences, it also allows more intensive uses and large buildings. In addition, there are many such existing uses and buildings in the R-1 Zone that are considered legally nonconforming. Rooftop solar energy systems mounted to such uses and buildings may be much larger in scale and have significant impacts on the sensitive uses nearby. Accordingly, a Minor CUP required by the Zoning Ordinance will allow the County to better regulate these projects while providing a permitting process that is quicker and less

expensive than CUPs. The Minor CUP fee of \$1,494.00 required by County Code section 22.60.100 was calculated by the fee rates and fee study conducted in 2010 and 2015 that examined the number of hours it takes to process Minor CUPs as amended in the Zoning Ordinance.

7. The proposed Zoning Ordinance also includes other amendments to the Zoning Code to comply with Government Code provisions related to the Minor CUP.
8. Staff of the County Department of Regional Planning ("Department") began developing the Zoning Ordinance in 2011. Since then, the Department has conducted extensive outreach across a wide and diverse range of stakeholders. These include the rural Town Councils in the Antelope Valley, community groups, industry groups, individual property owners, and environmental advocates. Department staff has made themselves accessible to all interested parties in order to provide information and receive comments and feedback, which were incorporated into the Zoning Ordinance as feasible. In November 2011, Department staff conducted three focus group sessions" one each for renewable energy developers, residents, and environmental organizations. In October 2013, Department staff released the first draft of the Zoning Ordinance for public review and comment and conducted a community meeting on October 26, 2013 to provide an overview of the Zoning Ordinance and receive feedback. In May 2014, Department staff released the second draft of the Zoning Ordinance for public review and comment. From September 2014 to January 2015, Department staff met with various rural Town Councils in the Antelope Valley, including the Three Points-Liebre Mountain Town Council, Antelope Acres Town Councils, Oso Town Council, and Fairmont Town Council, and the Association of Rural Town Councils to receive feedback on the second draft of the Zoning Ordinance. In addition, from 2012 until present Department staff has met with various stakeholders including the military, aerospace industry, private property owners, energy advocates, and environmental organizations. County Departments also consulted throughout the process also include the Chief Executive Office, Department of Public Works, Fire Department, Department of Parks and Recreation, and Department of Public Health.
9. A Notice of Public Hearing regarding the project in the form of a legal advertisement was published in the L.A. Times (full run) on February 16, 2015; Acton Agua Dulce Weekly News and Glendale News-Press on February 18, 2015; and Los Angeles Daily Journal, Antelope Valley Press, La Opinion, and The Signal Newspaper on February 19, 2015. A Notice of Completion and Availability of a Draft EIR was concurrently published, pursuant to Public Resources Code Section 21092.
10. On March 18, 2015, the Commission conducted a field trip to view solar and wind energy projects in and near unincorporated Antelope Valley. The field trip included views of approved ground-mounted utility-scale solar energy facilities within the unincorporated County and City of Lancaster, and utility-scale wind energy facilities within Kern County. Other points of interest included small-scale wind energy systems, Joshua Tree Woodlands within an approved SEA, the Antelope Valley California Poppy Preserve, and a concentrated solar thermal collector facility within the City of Lancaster.
11. On March 18, 2015, the Commission held a duly-noticed public hearing for the project at the Antelope Valley Transit Authority Community Room in Lancaster, California. Department staff presented an overview of the Zoning Ordinance. An updated Zoning Ordinance was provided for consideration at the March 18 public hearing. The Commission heard testimony from 12 members of the public. Issues and concerns raised during the March 18 hearing include the applicability of Community Standards Districts ("CSDs"), the potential size of small-scale solar and wind energy systems, dust control, water use, landscaping, noise, impacts to birds and

bats, glare inadequate setbacks, open space conservation, and other issues related to impacts, permitting, and general concerns. The Commission also discussed landscaping, use of recycled water, clarification on County authority to regulate solar and wind projects, and the Zoning Ordinance's relationship to CSDs. The Commission also discussed the County's ability to prioritize structure-mounted over ground-mounted facilities. The Commission continued the matter to April 8, 2015 to allow time for staff to address questions and concerns.

12. For the April 8, 2015 hearing, staff prepared a report that identified the regulatory context in which the Zoning Ordinance has been developed; its intended role in promoting certain types of renewable energy that have little or no environmental effect; and its ability to carefully regulate more environmentally resource-demanding types of projects, such as ground-mounted utility-scale solar and wind energy projects. The report also described other State and County efforts related to renewable energy, including the Desert Renewable Energy Conservation Plan, which streamlines permitting and plans for conservation of threatened and sensitive species and other resources on more than 22 million acres of the California Mojave Desert and Colorado/Sonoran desert region within nine counties (of which Los Angeles County is one). County efforts include the Community Climate Action Plan which is part of the General Plan Update and establishes policy for reducing greenhouse gas emissions through removing regulatory or procedural barriers for solar energy and adoption of this Zoning Ordinance; the County Board of Supervisors' motion to develop a pilot project for more solar panels on County buildings to reduce energy consumption; and proposed amendments to the County Building Code concurrent with this proposed Zoning Ordinance, that adopt a simplified procedure for residential rooftop solar energy systems.
13. On April 8, 2015, the Commission conducted a continued public hearing in downtown Los Angeles. Following a brief presentation by staff, the Commission heard testimony from two members of public via remote testimony from the Department Antelope Valley Field Office in Lancaster, California. The testimony included additional comments regarding wind projects and its effects on birds as well as impact to viewsheds. The Commission continued the matter to April 22, 2015.
14. On April 22, 2015, the Commission conducted a continued public hearing in downtown Los Angeles. Following a presentation by staff, the Commission heard testimony from the public via remote testimony from the Lancaster Library in Lancaster, California. [To be updated after public hearing.]
15. On April 22, 2015, the Commission closed the public hearing for the proposed Zoning Ordinance, and recommended to the County Board of Supervisors that the Board conduct a public hearing and approve the proposed Zoning Ordinance.
16. A Notice of Preparation ("NOP") was prepared pursuant to CEQA, providing notice that a Draft EIR will be prepared for the Zoning Ordinance. The NOP was available for public review from May 5, 2014 to June 4, 2014. On May 20, 2014 and May 22, 2014, the Department held scoping meetings to receive public comments related to the potential environmental impacts of the proposed Zoning Ordinance. The May 20, 2014 scoping meeting was held in the Antelope Valley Transit Authority Community Room. Approximately 30 members of the public attended. There was a summary presentation of the proposed Zoning Ordinance as well as a discussion of the EIR process and scope, including the environmental topics that would be analyzed in the EIR. The May 22, 2014 scoping meeting was held in downtown Los Angeles, and also included a summary presentation of the proposed Zoning Ordinance and EIR process and scope. Various verbal and written comments were received during the NOP period and at the scoping meetings, which included potential impacts to ridgelines, recommended review by state park

and recreation agencies, analysis of air quality impacts, and concerns regarding fugitive dust, Valley Fever, air and emergency personnel safety, biota resources and impact specifically to birds, and preservation of rural community character.

17. A Draft EIR was prepared in accordance with CEQA and the County's environmental reporting procedures. Written and verbal comments on the NOP were addressed in the Draft EIR.
18. On February 20, 2015, a Notice of Public Hearing and Notice of Completion and Availability of a Draft EIR was mailed to approximately 300 stakeholder individuals and organizations including those who requested the notice, adjacent jurisdictions, and responsible trustee agencies including the State Clearinghouse. The notice was also emailed to approximately 2,300 addresses on February 20, 2015.
19. The public comment period for the Draft EIR was from February 20, 2015 to April 6, 2015 (45 days). A total of X comment letters were received during the review period for the Draft EIR. A Final EIR will include response to comments received during the public comment period. The Final EIR will also contain a summary of the potential environmental effects of the proposed Zoning Ordinance, the recommended mitigation measures that would reduce or avoid those effects, and the level of significance after mitigation and responses to comments on the Draft EIR. Even with implementation of the mitigation measures, the Project would result in significant and unavoidable impacts for the following: aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, traffic and circulation, and utilities and service systems.
20. The Commission has reviewed and considered the Draft EIR for the Zoning Ordinance.
21. The Commission finds that the proposed Zoning Ordinance is necessary to facilitate the development of solar and wind energy projects to help meet state and federal goals for renewable energy production through encouraging small-scale and structure-mounted projects which have fewer environmental impacts on the environment and surrounding communities, while minimizing public health and safety hazards and environmental impacts through better regulation of ground-mounted utility-scale projects. The Zoning Ordinance establishes appropriate permitting for solar and wind energy projects that are either small-scale or utility-scale, and either structure-mounted or ground-mounted. The Zoning Ordinance also establishes necessary regulations that establish minimum requirements for utility-scale and ground-mounted projects regarding dust control, water use, aesthetics, safety, biota impacts, and other related issues, and requires discretionary review to ensure that site-specific considerations are addressed through project conditions, necessary mitigation measures, and a public hearing process for community input.

NOW, THEREFORE BE IT RESOLVED that the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles:

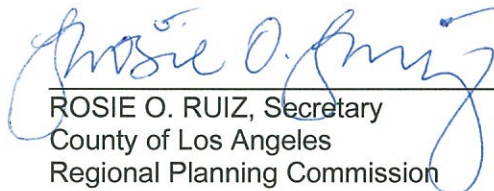
1. Hold a public hearing to consider Project No. R2014-01160-(1-5), which includes Advance Planning No. 201400004;
2. That the Board review, consider and certify the Final EIR in compliance with the California Environmental Quality Act and the State and Lead Agency guidelines related thereto and reflects the independent judgment of the Board;

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3. That the Board review and consider the information contained in the Final EIR prior to approving the proposed project;
4. Determine that the significant adverse effects of the project, as described in the EIR, have either been reduced to an acceptable level or are outweighed by specific social, economic, legal, technological or other considerations of the project as stated in required CEQA Findings of Fact and Statement of Overriding Considerations for the project;
5. That the Board determine that the proposed Zoning Ordinance is consistent with the 1980 General Plan with the adoption of Advance Planning No. 201400004;
6. Adopt Advance Planning No. 201400004 which amends Title 22 of the County Code which establishes a set of procedures and standards for review and permitting of solar and wind energy projects.

I hereby certify that the foregoing was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on April 22, 2015.


ROSIE O. RUIZ, Secretary
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM:
OFFICE OF THE COUNTY COUNSEL

By 
CASEY YOURN
Deputy County Counsel

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date: April 22, 2015

MC:SMT:JL